

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICK S. TATE,

Plaintiff,

v.

Case No. 20-CV-0704

JOHN DOE, et al.,

Defendants.

DEFENDANTS' MOTION TO SCREEN DKT. 20

Defendants¹, by and through their undersigned attorneys, move this Court to screen the Plaintiff's Amended Complaint under 28 U.S.C. § 1915A and to permit the Defendants to respond to Plaintiff's Amended Complaint. This motion is brought for the following reasons:

1. Plaintiff is a confined inmate in the custody of the Wisconsin Department of Corrections and is seeking redress from government employees. The Complaint is therefore subject to screening regardless of representation or

¹ Plaintiff has not served by summons any of the newly named Defendants or requested waiver of service from the Wisconsin Department of Justice on their behalf. Pursuant to the informal service agreement between the Wisconsin Department of Justice and this Court, the Department of Justice will accept service on behalf of any of the newly named Defendants that remain a party to this lawsuit after the Court issues its screening order.

prepayment of the filing fee. *See, e.g., Messner v. Murphy*, No. 14-CV-1272, 2015 WL 3508102, at *1 (E.D. Wis. June 3, 2015) (Randa, J.).

2. Pursuant to 28 U.S.C. § 1915A, the Court is required to review and screen complaints filed by inmates against government employees, such as the named Defendants.

3. In the Plaintiff's Amended Complaint, Plaintiff raises additional claims against 36 new Defendants. (Dkt. 20:3-7.)

4. In their response to discovery, Defendants provided photographs of employees so Plaintiff can identify those employees who he believes violated his rights. He cannot simply name every employee and attempt to obtain DNA from everyone.

5. A 28 U.S.C. § 1915A Screening Order may limit the claims brought in the action.

6. Defendants are currently required to answer the Amended Compliant by July 23, 2021.

7. Defendants respectfully request at least 21 days after the Court issues the screening order to answer Dkt. 20.

Dated: June 22, 2021.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

s/Gesina S. Carson
GESINA S. CARSON
Assistant Attorney General

State Bar #1055162

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-1672 (Carson)
(608) 294-2907 (Fax)
carsongs@doj.state.wi.us